

Patent Docket No.: UUN 99-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

O'DELL et al.

Serial No.: 09/469,506



Filed: 12/22/99

For: METHOD AND SYSTEM FOR
PROVIDING MULTI-USER ACCESS TO
A PACKET SWITCHED NETWORK

: Group Art Unit: 2739

: Examiner: unassigned

: Assistant Commissioner
for Patents
Box DAC
Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. §1.47(a) AND RESPONSE TO "NOTICE OF
MISSING PARTS OF APPLICATION FILING DATE GRANTED"**

Hon. Assistant Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the "NOTICE OF MISSING PARTS OF APPLICATION FILING
DATE GRANTED" mailed on February 9, 2000 by the Customer Service Center - Initial
Patent Examination Division, Stone et al. submit the following petition under the
provisions of 37 C.F.R. § 1.47(a).

In an attempt to have Mr. Louis A. Mamakos execute the Declaration, the
undersigned had an assistant, Ms. Trafton, email co-inventor Mr. Mamakos to get the
12/21/2000 LGIBBS 0000005 132491 09469506

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necessary information. Mr. Mamakos emailed his contact information to Ms. Trafton. See ATTACHMENT A, Mamakos Email to Trafton, February 14, 2000.

The undersigned then requested Mr. Mamakos to execute the Declaration to the subject '506 patent application naming Mr. Mamakos as a co-inventor together with Mr. Michael D. O'Dell. See ATTACHMENT B, Roberts Letter to Mamakos, February 14, 2000.

The undersigned then personally met with and spoke to Mr. Mamakos on March 9, 2000. At that meeting, the undersigned received positive notification that Mr. Mamakos was in receipt of the Declaration/Power of Attorney and Assignment, and had reviewed the finalized patent application approved by the inventors and filed December 22, 1999. However, Mr. Mamakos unequivocally stated that he refuses to sign the Declaration attached to the application tendered to him by the undersigned. Furthermore, to date the undersigned received no evidence that Mr. Mamakos will be executing the Declaration.

By the above communication exchanges, and based upon information and belief, the undersigned has first-hand knowledge that Mr. Mamakos has received a copy of the application and Declaration, yet has repeatedly failed to cooperate as promised in executing the above Declaration.

The Declaration is acceptable under the provisions of 37 C.F.R. § 1.63, subject only to Mr. Mamakos's execution of this document. It specifically states that Mr.

Mamakos, together with Mr. Michael D. O'Dell, are the joint applicants (or co-inventors) of the subject invention of the '506 patent application.

Based upon information and belief, the above information reflects the undersigned's information and knowledge as to the last known address, residence, and the citizenship of Louis A. Mamakos. See ATTACHMENT A, Mamakos Email to Trafton, January 4, 2000 referenced above.

A petition fee of \$130.00 (or surcharge of \$130.00) is authorized by this paper to be charged to Deposit Account 13-2491.

In view of the fact that joint applicant and co-inventor Mamakos has a copy of the application and Declaration and has clearly failed to sign the Declaration, that the Declaration is an acceptable Declaration under 37 C.F.R. §1.63, that the appropriate petition fee accompanies this Petition, and that Mr. Mamakos's last known address has been provided, the granting of this Petition is respectfully requested.

Respectfully submitted,

Paul A. Roberts
MCI WorldCom

Paul A. Roberts
Registration No. 40,289

MCI World Com
1133 19th Street, N.W.
Washington, DC 20036
(202) 736-6604 PAR
Date: April 10, 2000
Facsimile: 202-736-6824

ATTACHMENT A

Mamakos Email to Trafton, February 14, 2000

ATTACHMENT B

Roberts Letter to Mamakos, February 14, 2000





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PTO/SB/69 (12-97)
Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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PETITION ROUTING SLIP

(Find the petition from the list and check the box in the heading above the petition)

Complete if Known

Application Number	09/469,506
Filing Date	December 22, 1999
First Named Inventor	Michael O'Dell et al
Group Art Unit	2739
Examiner Name	Not assigned
Attorney Docket Number	UUN99001

PETITIONS DECIDED BY PETITIONS OFFICE

301 Relating to Public Use Proceedings (37 CFR 1.292)
 302 To make application special - prospective manufacture (37 CFR 1.102, MPEP 708.02)
 303 To make special - infringement (37 CFR 1.102, MPEP 108.02)
 304 Relating to the Filing/Issuance of Divisional Reissue (37 CFR 1.177)
 305 To waive or suspend rules (37 CFR 1.183)
 306 To expunge a paper from patent application or patent file (37 CFR 1.59)
 307 Withdrawal of Attorney (37 CFR 1.36)
 308 For access to application except re proceedings before Board (37 CFR 1.14, MPEP 103,104)
 309 Relating to Small Entity (37 CFR 1.28)
 310 Relating to reexamination (37 CFR 1.181-1.183)
 311 For correction of inventorship for applications - no filing date (37 CFR 1.48)
 312 For correction of inventorship PCT applications (37 CFR 1.48)
 313 For filing application without one or more inventors (37 CFR 1.47)
 314 For filing PCT application without one or more inventors (37 CFR 1.47)
 315 For extension of time without fee in cases in Application Division (37 CFR 1.136(b))
 399 For matters before A/C for Patents - not specified
 408 Relating to a filing date under 35 USC 111 & 37 CFR 1.53
 411 Filing date for application filed by Express Mail (37 CFR 1.10)
 412 Filing date for lost application
 501 To revive an abandoned application - unavoidable delay (37 CFR 1.137(a))
 502 To revive an abandoned application - unintentional abandonment (37 CFR 1.137(b))

503 To waive/suspend rules (37 CFR 1.183)
 504 To invoke supervisory authority - re patent examining operations (37 CFR 1.181)
 505 To withdraw from issue after payment of issue fee (37 CFR 1.313(b)(1))
 506 To withdraw from issue after payment of issue fee (37 CFR 1.313(b)) or abandon application in favor of continuing application
 507 To enter priority papers after Issue Fee payment (37 CFR 1.55(a))
 508 To defer issuance of patent (37 CFR 1.314)
 515 To invoke supervisory authority - re Office of Admin. (37 CFR 1.181)
 516 To waive/suspend rules re patent mailers in Office of Admin. (37 CFR 1.183)
 519 To decide matters before Deputy A/C for Patents under 37 CFR 1.182
 521 To review refusal to accept & record maintenance fee - application filed on or after 8/27/82 (37 CFR 1.377)
 523 To issue patent in the name of the Assignee (37 CFR 1.334(c))
 525 To withdraw a holding of abandonment (37 CFR 1.181)
 526 To order a Commissioner-initiated Reexamination proceeding (37 CFR 1.520)
 527 To convert Provisional Application
 528 To reinstate abandoned Provisional Application
 530 PCT petition-unavoidable
 531 PCT petition-unintentional
 532 To accept unavoidably delayed payment of maintenance fee (37 CFR 1.378 (b))
 533 To accept unintentionally delayed payment of maintenance fee (37 CFR 1.378 (c))
 534 Petitions related to reexamination proceedings
 599 For matters before the Deputy A/C for Patents - not specified

PETITIONS DECIDED BY THE GROUP DIRECTOR

601 To make application special on ground of age or health (37 CFR 1.102, MPEP 708.02)
 602 To make special - continuity of earlier application (37 CFR 1.102, MPEP 708.02)
 603 To make special - environment quality program (37 CFR 1.102, MPEP 708.02)
 604 To make special - accelerated examination (37 CFR 1.102, MPEP 708.02)
 605 To make special - Energy Program (37 CFR 1.102, MPEP 708.02)
 606 To make special - Recombinant DNA (37 CFR 1.102, MPEP 708.02)
 607 To make special for reasons not provided for in codes 601-606 (37 CFR 1.102, MPEP 708.02)
 608 To reopen prosecution after Board decision (37 CFR 1.198)
 609 For review of final restriction requirement (37 CFR 1.144)
 610 Invoking Authority of Commissioner under 37 CFR 1.181 not specified in codes
 611 Relating to the prematurity of final rejection (37 CFR 1.181, MPEP 706.07(c))
 612 Relating to the refusal to enter an amendment (37 CFR 1.181 & 1.127, MPEP 714.19)
 613 To withdraw a holding of abandonment (37 CFR 1.137, MPEP 711.03)
 614 Relating to a requirement to cancel new matter from application (37 CFR 1.181, MPEP 608.04(c))
 615 Relating to formal sufficiency/proprietiness of affidavits (37 CFR 1.131, 1.132, 1.608, MPEP 715.07)
 616 To institute an interference (37 CFR 1.606)
 617 Relating to refusal to enter an amendment under 37 CFR 1.312

618 For concurrent Ex parte and Inter partes proceedings (37 CFR 1.212)
 619 For return of original oath of patent application (MPEP 604.04(a))
 620 For extension of time (37 CFR 1.136(b))
 621 For interview after Notice of Allowance mailed (MPEP 713.10)
 622 Concerning appeal application before transfer of jurisdiction to Board (MPEP 1206)
 623 For second or subsequent suspension of action (37 CFR 1.103, MPEP 709)
 625 To reinstate Appeals dismissed in Group
 626 From denial of reexamination request (37 CFR 515(c))
 627 To enter an amendment after payment of Issue Fee (37 CFR 1.312(b))
 628 From refusal to issue a Certificate of Correction (37 CFR 1.181, MPEP 1480 -1485)
 629 For withdrawal of attorney from application pending in group (37 CFR 1.36)
 630 For extension of time in a reexamination (37 CFR 1.550(c))
 631 To merge multiple reexamination proceedings (37 CFR 1.565(c), MPEP 2283)
 632 To effect a second conversion of inventorship (37 CFR 1.48, MPEP 201.03)
 633 Superconductivity
 634 To correct inventorship in a patent not in interference (37 CFR 1.324, MPEP 1481)
 635 To change inventorship in an application (37 CFR 1.48)
 636 To change inventorship in a patent (37 CFR 1.48)
 637 To withdraw from Issue before payment of an Issue fee (37 CFR 1.313(a))
 699 For matters before Group Director - not specified

PETITIONS DECIDED BY BOARD OF PATENT APPEALS AND INTERFERENCES

701 To exercise supervisory authority re action by examiner/examiner-in-chief (37 CFR 1.644)
 702 To accept belatedly filed copies of interference settlement agreements (35 USC 135(c), 37 CFR 1.666(c))
 703 For withdrawal of attorney in proceeding under 37 CFR 1.201 - 1.288 (37 CFR 1.36)
 704 For access to a settlement agreement under 35 USC 135(c) (37 CFR 1.666(b))
 705 For access to an application in proceedings before the Board (37 CFR 1.14(e))
 706 From a refusal to issue a Certificate of Correction (37 CFR 1.322, 1.323)
 707 To correct errors in inventorship (37 CFR 1.324)
 708 For extension of time to file amendment under 37 CFR 1.196(b) (37 CFR 1.136)
 709 To make an application before the Board special (37 CFR 1.102)
 710 For extension of time to file supplemental Reply Brief (37 CFR 1.136)

711 To assign particular members to hearing or to request augmented panel (35 USC 7)
 712 To decide miscellaneous questions in proceedings under 37 CFR 1.601-1.688
 713 To accept priority papers in applications in interference (37 CFR 1.644)
 714 To reinstate an Appeal
 799 For matters before Chairman of Board - not specified
 801 To make an application before the Board special (37 CFR 1.102)
 802 To reinstate an Appeal
 803 To extend time/suspend proceedings (37 CFR 1.196, 1.197, 1.304)
 804 For extension of time to file supplemental Reply Brief (37 CFR 1.136)
 805 To accept late request for an Oral Hearing (37 CFR 1.136)
 899 For matters before the Clerk of the Board - not specified

PETITIONS DECIDED BY SPECIAL LAWS (SECURITY AND GOVERNMENT INTEREST MATTERS)

901 Under 42 USC 2182
 902 Under 42 USC 2457
 903 Under 35 USC 184

904 Under 35 USC 267
 905 To consider/review security or Government interest matters - not specified

PETITIONS DECIDED BY THE SOLICITOR

951 Petitions for extension of time in court matters 35 USC 142, 145, 146
 952 Petitions relating to ex parte questions in cases before the Court of Appeals for the Federal Circuit

953 Requests filed under the Freedom of Information Act
 959 Not specified

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.